

# GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue  
New York, NY 10166-0193  
Tel 212.351.4000  
[www.gibsondunn.com](http://www.gibsondunn.com)

August 5, 2019

Randy M. Mastro  
Direct: +1 212.351.3825  
Fax: +1 212.351.5219  
[RMastro@gibsondunn.com](mailto:RMastro@gibsondunn.com)

## VIA ECF

The Honorable Lewis A. Kaplan  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (LAK)

Dear Judge Kaplan:

I respectfully write as counsel for Plaintiff Chevron Corporation (“Chevron”) regarding Steven Donziger’s pending appeal of this Court’s May 23, 2019 Memorandum Opinion (Dkt. 2209) and May 24, 2019 Supplemental Judgment (Dkt. 2210).

In the Court’s July 2, 2019 order, the Court stayed pending appeal “those portions of the [Forensic Inspection] Order as require or permit disclosure to Chevron of information obtained from Donziger – specifically, paragraphs 7(b), 7(d)-(f), and 8 through 10.” Dkt. 2254 at 3. The Court, however, “conditioned explicitly” this stay on several conditions, including that “Donziger shall file his appellate brief and appendix in support of his appeal from the decision of May 23, 2019 no later than July 31, 2019.” *Id.*

It appears that Donziger has not complied with this condition. Chevron has not received a service copy of Donziger’s appellate brief and appendix, and there is no indication on the Second Circuit’s docket that Donziger filed his appellate brief and appendix by July 31, 2019. *See* 2d Cir., No. 19-1584. Moreover, my staff contacted the Second Circuit clerk’s office on August 1 and 2 and was informed that they had not received any filings from Donziger. And on July 31, the Second Circuit set a deadline of September 9, 2019 for Donziger to file his appellate brief and appendix. *See* 2d Cir., No. 19-1584, Dkt. 46.

Respectfully,

/s/ Randy M. Mastro  
Randy M. Mastro

cc: All Counsel of Record via ECF